

REMARKS

Applicants acknowledge with thanks the withdrawal of all of the outstanding rejections. Claims 1 and 20 have been amended by inserting the limitation of original claim 10. Claim 29 is amended for clarity.

Claims 1-8, 17-20 and 27-29 now stand rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al., U. S. Patent Number 6,451,505 in view of EP 1172831. Claims 1, 9, 16 and 20-23 further stand rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al., U. S. Patent Number 6,451,505 in view of EP 1172831 and in further view of Heuer et al., U. S. Patent Number 6,287,713. Claims 1, 10-15, and 27-29 stand still further rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al., U. S. Patent Number 6,451,505 in view of EP 1172831 and Malhorta, U.S. Patent No. 5,984,468.

According to the Examiner:

Patel discloses an imageable element comprising a substrate and a first layer that comprises a photosensitive composition that absorbs actinic radiation, which describes radiation in the UV, visible or both spectral ranges as per instant claims 1-4 and 20 (see column 3, lines 10-35). (emphasis added)

Applicants do not believe that there is any basis for applying the teachings of Patel to the present invention. The present invention relates to a touch screen electronic display. It is not an imaging element by which is meant an element for forming a permanent image. It is clear from the Background of Patel that he is concerned with the preparation of printing plates which entails the making of permanent images for printing plate purposes. As described, for example at column 1, lines 51, et seq., silver halide layers are employed to receive a desired image. The development of silver halide is not a reversible process. Thus, the element of the reference is an imaging element.

On the other hand, the present multilayer is not an imaging element but is part of a touch screen display device. A touch screen is totally different and is not an imaging element in the sense normally intended. The touch screen relies on detecting where one has touched the screen and employs electric impulse information to determine where the

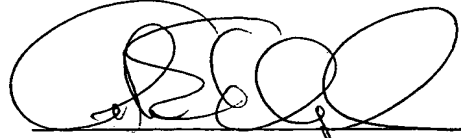
screen has been touched. While such a screen has images for sure, it is not an imageable element as it does not form an image and its function is primarily to convey user information. One skilled in the art of touch screens would not turn to the silver halide imaging art to solve technical problems relating to electronic touch screens. Claims 1 and 20 are about using spaced apart conductive layers with spacers embedded in one of the conductors. None of this has any relationship to the silver halide imaging element of Patel, the primary reference. Accordingly, the rejection of claim 1 using Patel as the primary reference should be withdrawn.

The Examiner notes with respect to claim 24 that the term “capable” does not add a positive recitation to the claim. That term “capable” is often employed to express a characteristic of an article and is an effective limitation if otherwise clear. See, for example, US 4,906,070 and 5,056,892 and many other patent claims. It would seem that any recitation of a test result in a claim would be the equivalent of a capable of statement. In the present case it is believed that the identity of compounds capable of absorbing UV is well-known and is equivalent to saying “a UV absorbing compound”.

It is noted in particular, that there is no suggestion in the references cited by the Examiner of the use of an OLED device in combination with a touch screen article as claimed in claims 21-23. The Examiner has merely aggregated separate teachings together.

In view of the foregoing amendments and remarks, the Examiner is respectfully requested to withdraw the outstanding rejection and to pass the subject application to Allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Kluegel', written over a horizontal line.

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